

UNITED STATES OF AMERICA

U.S. DISTRICT COURT

U.S. DISTRICT COURT
DISTRICT OF N.H.
FILED

2015 AUG 10 10:14 AM
CONCORD, NH

UNITED STATES OF AMERICA

V

JOHNATHON IRISH

13-CR-00142-PB-1

STATUS UPDATE REGARDING DEFENDANTS RETURN OF PROPERTY

Mr. Irish first must apologize for the delay in which this status update and letter comes to the Court and Attorney Nick Abramson. Mr. Irish has suffered an injury to his hand which caused a blood infection causing Mr. Irish troubles with not only the writing of this motion and attached letter but as well as his cognitive thinking which in turn caused Mr. Irish unable to dictate while his wife were to type. Mr. Irish has overcome the blood infection and hand injury and is now able to write this motion. Mr. Irish sincerely apologizes for any and all inconveniences and violation of required response and filing allotted time frames as well as Mr. Irish requests that any violation of such time frames please be excused do to his recent medical issues of which Mr. Irish can verify with medical documents.

On 29 May, 2015 this Court held a hearing regarding the return of personal properties belonging to Mr. and Mrs. Irish including but not limited to firearms and ammunition that was to be returned to Mr. Roscoe Whitney once he was deemed a suitable person which he was during a meeting with the FBI during a meeting with Mr. Roscoe Whitney on 4 June, 2015.

On 7 July, 2015 Agent Phil Christiana of the FBI and Mr. Irish's supervising officer Tim Brown met with Mr. Irish and Mr. Irish's friend Anthony Costello in the parking lot of the Federal Probation Office on Spring Street in Manchester New Hampshire where Agent Christiana returned many items to Mr. Irish including items in which Mr. Irish was not legally able to possess with his current felony conviction as well as being on supervised release. Mr. Irish subsequently stated such to Agent Christiana and Tim Brown and immediately in the presence of Agent Christiana and Tim Brown turned the items over to Anthony Costello for safe keeping.

On Tuesday, 14 July, 2015 (date provided to Mr. Irish by the Government) Agent Christiana of the FBI turned over three firearms and the ammunition to Mr. Roscoe Whitney.

Mr. Irish has since spoken with Mr. Roscoe Whitney whereas Mr. Roscoe Whitney wanted to verify that all of the firearms, ammunition and magazines belonging to Mr. and Mrs. Irish had been returned. Mr. Roscoe Whitney had several concerns regarding the firearms, ammunition and magazines that were returned as well as those that were not.

- 1) Mr. Roscoe Whitney has had prior experience and knowledge of the firearms, ammunition, magazines that Mr. Irish possessed including the amount of said items. Mr. Roscoe Whitney prior to being given possession of the firearms, ammunition and magazines had a detailed list of ALL items that were seized by the FBI and were to be returned.

- 2) Mr. Roscoe Whitney was concerned that the firearms had been damaged while in FBI custody due to improper storage. All three firearms belonging to Mr. and Mrs. Irish had been stored with the bolt, breach and slides in the "locked back/open" position for the twenty months in which the FBI had the firearms in their possession and custody causing all of the internal springs to be severely damaged rendering the firearms unsafe and non-functional. The recoil/buffer springs as well as the entire trigger mechanism in Mr. Irish's Sig Sauer 516 AR-15 type rifle bearing serial number 53E001626 have been needed to be replaced reaching a total of \$168.90, the recoil/buffer spring main spring and firing pin spring in Mr. Irish's Sig Sauer C3 1911 handgun bearing serial number GS34120 have been needed to be replaced reaching a total of \$23.90, Mr. Roscoe Whitney is currently working on obtaining the prices for the replacement parts for Mrs. Irish's Sig Sauer 226 handgun bearing serial number UU610922. Mr. Irish and Mr. Whitney have obtained pricing and placed orders for the proper parts to replace the damaged springs for the Sig Sauer 516 AR-15 type rifle as well as the Sig Sauer C3 1911 handgun and forwarded them to Attorney Abramson AUSA. Mr. Irish needs to note that on several occasions, last being 4 August, 2015 and 5 August, 2015 Mr. Irish has left multiple messages for AUSA Abramson regarding the damage to the firearms and requested copies of the FBI's protocol and procedure of proper storage of firearms, on 7 August, 2015 Mr. Irish spoke briefly with AUSA Abramson regarding the FBI protocol and procedure of proper storage of firearms and AUSA Abramson stated that he is unsure if he can assist Mr. Irish with obtaining the FBI protocol and procedures for proper storage of

firearm without creating a conflict of interest. Mr. Irish respectfully requests a hearing on the matter of the items listed herein section 2.

- 3) Mr. Roscoe Whitney informed Mr. Irish that he was forced by Agent Christiana of the FBI to sign a document in order to receive the weapons, ammunition and magazines stating that he (Mr. Roscoe Whitney) would relinquish all firearms, ammunition and magazines to the Government if so requested should the Government choose to retry any charges. This is in complete violation of the agreed upon stipulations that were decided upon in front of this court on 29 May, 2015 in which the Government, specifically AUSA Abramson stated that photographs of the firearms and serial numbers with Mr. Irish signing a document of stipulation that those were in fact the firearms that Mr. Irish possessed upon his arrest on 1 November, 2013 would be satisfactory in lieu of the firearms themselves. The Government did in fact take said pictures of the firearms and Mr. Irish did in fact sign the stipulation of such agreeing that the photographs of the firearms were in fact his firearms (Sig Sauer 516 AR-15 type rifle and Sig Sauer C3 1911 pistol) and were in his possession at the time of his arrest on 1 November, 2013. Whereas the Government did in fact take said pictures and Mr. Irish did in fact sign the stipulation agreeing that the firearms were his and in his possession upon his arrest satisfying AUSA Abramson's evidentiary concerns forcing Mr. Roscoe Whitney to sign stating that he would relinquish the firearms to the Government should they choose to retry any charges the Government went outside the scope of the agreement that they had entered into in front of this court on 29 May, 2015. Furthermore Agent

Christiana was attempting to force Mr. Irish into admitting that he had possession of his firearms when he was under a temporary order of protection when Mr. Irish has continuously stated that he was NOT in possession of his or ANY firearms.

- 4) Mr. Roscoe Whitney has provided Mr. Irish with pictures of the firearms, ammunition and magazines that were released to him by Agent Christiana FBI along with the evidence receipts. Mr. Irish and Mr. Roscoe Whitney have reviewed these and compared them to the pictures of what was seized by the FBI during their search of Mr. Irish's home and vehicle taken by the FBI and Rockingham County Sheriff's Office and there is a multitude of ammunition and magazines that were seized that were not returned. The missing property that was seized but not returned is as follows:

Three ammunition cans of Lake City 5.56 62 Grain M855 Green Tip Steel Core rifle ammunition on stripper clips of 500 rounds per ammunition can (1,500 rounds) on ten round stripper clips (500 rounds per ammunition can on stripper clips, 50-10 round stripper clips per ammunition can), \$0.72 per round, multiplied by 1,500 rounds is a total of \$1,080.00.

Three fifty round boxes of Winchester .45 ACP 230 Grain hollow tip Ranger-T Series "Talon" ammunition, \$48.00 per 50 round box multiplied by 3 is a total of \$144.00.

Eight, eight round stainless steel Sig Sauer brand .45 ACP magazines with black polymer floor plates, \$26.00 per magazine multiplied by 8 is a total of \$208.00. One, Ka-Bar Cutlass Machete, \$55.95.

One, Ontario Spec-Plus SP1 Marine Combat Knife, \$45.95.

One, Gerber 06 Automatic knife, \$269.94.

One, Gerber Guardian Back-Up Boot Knife, \$43.99.

The items that were seized and not returned have a combined value of \$1, 847.83.

AUSA Abramson has stated to Mr. Irish that once he receives the attached letter that he will present the FBI with said letter and "see if maybe they missed something in the evidence room".

- 5) On 7 August, 2015 Mr. Irish spoke with Lt. David Roy of the Brentwood Police Department regarding the issue of the missing firearms and ammunition whereas Agent Christiana claimed that he returned all property released to him and the FBI by the Brentwood Police Department whom had originally seized the property on 1 November, 2013. Lt. Roy explained to Mr. Irish that the only firearm that was seized under a warrant was the Sig Sauer C3 1911 belonging to Mr. Irish, that all of the other firearms and ammunition were seized only for reasons of safe keeping and because it would be unsafe and improper and questionably illegal to leave firearms, ammunition, knives etc. unattended in an empty home or motor vehicle as well as because of the alleged charges that Mr. Irish had been arrested on Mr. Irish's bail conditions would state that he was not to be around firearms or ammunition of any kind. Lt. Roy did confirm that all of the firearms, ammunition, magazines, knives, body armor and tactical gear owned by Mr. Irish as well as especially what has been mentioned as not returned or "missing" was in fact seized by the Brentwood Police department and Rockingham County Sheriff's Office and subsequently relinquished to the FBI, specifically Agent Phil Christiana. Agent Christiana however denies that

the missing items were ever given to him or transferred to FBI custody which again, is directly contradicted with Lt. David Roy's own volition through conversation with Mr. Irish on 7 August, 2015.

Whereas there is a multitude of issues here, only one of which AUSA Abramson has responded to Mr. Irish regarding Mr. Irish respectfully requests that this court:

- 1) Schedule a hearing to address the issues of the damage done to Mr. and Mrs. Irish's firearms as mentioned in section 2 as well as the violation of the agreed upon stipulation of the firearms as mentioned in Section 3.
- 2) That this court make notation and address the issue of the missing properties belonging to Mr. Irish that were in fact seized, transferred to the FBI in which the FBI denies ever taking custody of so that either the remaining properties can be returned to Mr. Roscoe Whitney or that Mr. Irish can be reimbursed the \$1,847.83 for the items that were seized and never returned.

Respectfully Submitted,

Johnathon S. Irish

Pro-Se

A handwritten signature in black ink, appearing to be 'Johnathon S. Irish', written over the 'Pro-Se' text.

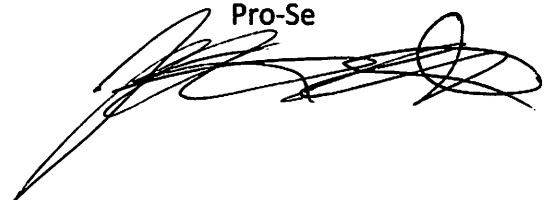
10 August, 2015

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was served on Nick Abramson of the United States Attorney's Office District Of New Hampshire in hand (at address 53 Pleasant St. Concord, New Hampshire, 03301) on this date of 10 August, 2015.

Johnathon S. Irish

Pro-Se

A handwritten signature in black ink, appearing to be "Johnathon S. Irish", written over the "Pro-Se" text.